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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/762,523

01/23/2004

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Q79369

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23373 7590 05/12/2009
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EXAMINER

PATEL, NIRAV B

ART UNIT

PAPER NUMBER

2435

MAIL DATE

DELIVERY MODE

05/12/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/762,523	Applicant(s) LEE ET AL.	
	Examiner NIRAV PATEL	Art Unit 2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2009 (Amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-5 and 7-33 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment filed on Jan. 28, 2009 has been entered. Claims 1-5, 7-33 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7-12, 16-20, 22-28, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert (US Pub. No. 2004/0044779) in view of Safadi (US Pub. No. 2003/0126086) in view of Russ et al (US Patent No. 6,748,080) and in view of Hans et al (US Patent No. 7,200,575).

As per claim 1, Lambert teaches: a server, wherein if the server receives multimedia contents from one of a plurality of DRM server groups having a unique DRM solution respectively, the server performs communication relating to services with the corresponding DRM server group according to the DRM solution of the received multimedia contents [Fig. 7, 4], wherein the server comprises a plurality of managers constructed according to DRM server groups [Fig. 7, 4, associated text]. Further, Lambert teaches a platform authentication unit operable to request a license for

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multimedia contents from a corresponding DRM server group which provides the multimedia content [Fig. 4, 7, paragraph 0135, 0136, Fig. 8, 9]. Lambert teaches a server (a bureau server) that receives the content from one of a plurality of DRM server groups (publishers), wherein the bureau server comprises a plurality of managers (accounts) and receives rights for the content from a corresponding publisher. However, Lambert doesn't expressively mention converting the received content and the license into the format suitable for the client.

However, Safadi teaches converts the received multimedia contents into multimedia contents having a format suitable for at least one client of the intranet and transmits the converted multimedia contents to the client [Fig. 1, paragraph 0017, 0021, 0023, 0026, 0028]. Further, Safadi teaches: the server comprises the proxy manager, wherein the proxy manager comprises a content conversion unit for converting the multimedia content into contents having a format suitable for the client [paragraph 0017, 0024]; a license translation unit operable to translate a license received from the corresponding DRM server group into a license having a format suitable for the client [Fig. 1 paragraph 0023, 0026].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Safadi with Lambert, since one would have been motivated to prevent illegal copying and provide copy protection of content provided over a digital communication network [Safadi, paragraph 0001, 0003].

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Safadi teaches converting the received content and the license into the format suitable for the client. Safadi doesn't expressively mention decrypting content and converting the decrypted content.

However, Russ teaches: a content conversion unit operable to decrypt multimedia contents received from the corresponding DRM server group, and converting the decrypted multimedia contents into multimedia contents having a format suitable for the client [col. 3, 7, col. 15, lines 34-44, col. 21 lines 21-65]. In addition, Russ teaches: a license translation unit operable to translate a license received from the corresponding DRM server group into a license having a format suitable for the client [col. 3, 7, col. 15, lines 34-44, col. 21 lines 21-65].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Russ with Lambert and Safadi, since one would have been motivated to provide security and control concerns for the operators of the subscriber network system [Russ, col. 2 lines 11-13].

Lambert teaches creating/establishing the consumer/user's account [Fig. 7]. Lambert doesn't expressively mention registration process.

Hans teaches: performing registration of the client [Fig. 4 col. 5 lines 60-67].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Hans with Lambert, Safadi and Russ, since one would have been motivated to manage the access to the digital content and control the distribution of digital content [Hans, col. 1 lines 6-7, 48-49].

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As per claim 2, the rejection of claim 1 is incorporated and Russ teaches the converted multimedia contents are encrypted and transmitted to the client [Fig. 3, col. 16 lines 9-13, 64-67, col. 17 lines 1-7].

As per claim 3, the rejection of claim 1 is incorporated and Russ teaches:

the server translates a license received through the Internet to be suitable for the client of the intranet and additionally transmits the translated license to the client [Fig. 3, 7, col. 21 lines 21-65].

As per claim 4, the rejection of claim 3 is incorporated and Russ teaches:

the translated license is encrypted and transmitted to the client [Fig. 3, 7, col. 21 lines 21-65].

As per claim 7, the rejection of claim 3 is incorporated and Hans teaches:

a report/billing unit operable to arrange multimedia content usage details of the client, and to transmit the arranged multimedia content usage details to the DRM server group, and to transmit information relating to billing [Fig. 3, 4, 5].

As per claim 8, it encompasses limitations that are similar to limitations of claim 1. Thus, it is rejected with the same rationale applied against claim 1 above.

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As per claim 9, the rejection of claim 8 is incorporated and it encompasses limitations that are similar to limitations of claim 2. Thus, it is rejected with the same rationale applied against claim 2 above.

As per claim 10, the rejection of claim 9 is incorporated and it encompasses limitations that are similar to limitations of claim 3. Thus, it is rejected with the same rationale applied against claim 3 above.

As per claim 11, the rejection of claim 10 is incorporated and it encompasses limitations that are similar to limitations of claim 4. Thus, it is rejected with the same rationale applied against claim 4 above.

As per claim 12, the rejection of claim 11 is incorporated and Russ teaches:

a content decryption unit operable to decrypt the multimedia contents which are encrypted and transmitted; and a rights management unit operable to decrypt the license which is encrypted and transmitted, and to check whether the decrypted multimedia contents are executed in the client to be suitable for the decrypted license [Fig. 9 col. 16-67].

Hans teaches: an authentication and access control unit operable to perform registration of the client on the server and access to the server [Fig. 4, 5].

As per claim 16, the rejection of claim 12 is incorporated and Hans teaches:

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a report unit for reporting usage details of the transmitted multimedia contents to the server [Fig. 3-5].

As per claim 17, it encompasses limitations that are similar to limitations of claim 1.

Thus, it is rejected with the same rationale applied against claim 1 above.

As per claim 18, the rejection of claim 17 is incorporated and it encompasses limitations that are similar to limitations of claim 2. Thus, it is rejected with the same rationale applied against claim 2 above.

As per claim 19, the rejection of claim 17 is incorporated and it encompasses limitations that are similar to limitations of claim 3. Thus, it is rejected with the same rationale applied against claim 3 above.

As per claim 20, the rejection of claim 19 is incorporated and it encompasses limitations that are similar to limitations of claim 4. Thus, it is rejected with the same rationale applied against claim 4 above.

As per claim 22, the rejection of claim 17 is incorporated and it encompasses limitations that are similar to limitations of claim 7. Thus, it is rejected with the same rationale applied against claim 7 above.

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As per claim 23, the rejection of claim 22 is incorporated and it encompasses limitations that are similar to limitations of claim 7. Thus, it is rejected with the same rationale applied against claim 7 above.

As per claim 24, it encompasses limitations that are similar to limitations of claim 1. Thus, it is rejected with the same rationale applied against claim 1 above.

As per claim 25, the rejection of claim 24 is incorporated and it encompasses limitations that are similar to limitations of claim 2. Thus, it is rejected with the same rationale applied against claim 2 above.

As per claim 26, the rejection of claim 25 is incorporated and it encompasses limitations that are similar to limitations of claim 3. Thus, it is rejected with the same rationale applied against claim 3 above.

As per claim 27, the rejection of claim 26 is incorporated and it encompasses limitations that are similar to limitations of claim 4. Thus, it is rejected with the same rationale applied against claim 4 above.

As per claim 28, the rejection of claim 27 is incorporated and it encompasses limitations that are similar to limitations of claim 12. Thus, it is rejected with the same rationale applied against claim 12 above.

As per claim 32, the rejection of claim 28 is incorporated and it encompasses limitations that are similar to limitations of claim 16. Thus, it is rejected with the same rationale applied against claim 16 above.

3. Claims 5, 13-15, 21, 29-31, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert (US Pub. No. 2004/0044779) in view of Safadi (US Pub. No. 2003/0126086) in view of Russ et al (US Patent No. 6,748,080) in view of Hans et al (US Patent No. 7,200,575) and in view of Fransdonk (US Patent No. 7,228,427).

As per claim 5, the rejection of claim 2 or 4 is incorporated and Russ teaches the encryption is performed using a key [col. 20 lines 11-20]. Russ doesn't expressively mention encryption is performed using a group key.

Fransdonk teaches the encryption is performed using a group key of the server [Fig. 2, col. 17 lines 49-50].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Fransdonk with Lambert, Safadi, Russ and Hans, since one would have been motivated to distribute and deliver the content via a communication network securely [Fransdonk, col. 1 lines 30-32].

As per claim 13, the rejection of claim 12 is incorporated and Russ teaches the encryption is performed using a key [col. 20 lines 11-20].

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Fransdonk teaches the encryption is performed using a group key of the server [Fig. 2, col. 17 lines 49-50].

As per claim 14, the rejection of claim 12 is incorporated and it encompasses limitations that are similar to limitations of claim 13. Thus, it is rejected with the same rationale applied against claim 13 above.

As per claim 15, the rejection of claim 13 or 14 is incorporated and Fransdonk teaches the decryption is performed using a client key corresponding to the group key of the server [Fig. 2, col. 17 lines 49-50].

As per claim 21, the rejection of claim 18 or 20 is incorporated and it encompasses limitations that are similar to limitations of claim 5. Thus, it is rejected with the same rationale applied against claim 5 above.

As per claim 29, the rejection of claim 28 is incorporated and Russ teaches the encryption is performed using a key [col. 20 lines 11-20].

Fransdonk teaches the encryption is performed using a group key of the server [Fig. 2, col. 17 lines 49-50].

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As per claim 30, the rejection of claim 28 is incorporated and it encompasses limitations that are similar to limitations of claim 14. Thus, it is rejected with the same rationale applied against claim 14 above.

As per claim 31, the rejection of claim 29 or 30 is incorporated and it encompasses limitations that are similar to limitations of claim 15. Thus, it is rejected with the same rationale applied against claim 15 above.

As per claim 33, the rejection of claim 15 is incorporated and Hans teaches said client key is assigned to register DRM smart clients through the platform authentication and access control unit [Fig. 3, 5].

Response to Argument

4. Applicant's arguments filed Jan. 28, 2009 have been fully considered but they are not persuasive.

Regarding to applicant's argument to claim 1, Examiner maintains, since Lambert's invention relates to a system that distributes the storage of rights and/or the right management decision making process between a DRM client and a DRM server. Further, the system manages rights to content on behalf of plural publisher. As shown in Fig. 4, the storage of rights is distributed between the client and a remote server (or set of servers) [Fig. 4, component 410, 412]. In a distributed DRM system, the DRM client

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410 associated with a consumer device and the DRM server 412 cooperate to arrive at a decision over whether a particular consumer on the consumer device can access a particular piece of DRM-protected content. This cooperation can involve communication between the DRM client and the DRM server and this communication may involve the exchange of rights encoded in electronic form. Further, Lambert teaches a DRM bureau service as shown in Fig. 7, where content publishers and content consumers can open accounts 705 and 711 respectively (e.g. publisher account, consumer account). The bureau service operates a number of DRM servers, and therefore the bureau service acts as a centralized repository for the digital rights (i.e. plurality of managers constructed according to DRM server groups). Content publishers (providers) use their bureau accounts to DRM-encrypt their digital content in such a way that consumers must obtain rights from the bureau before they can access the DRM-encrypted content (i.e. plurality of DRM server groups having a unique DRM solution respectively). Further, DRM bureau service stores the rights on the bureau service's DRM servers (e.g. publisher's account) and proactively serves rights in response to consumer demand (i.e. receiving/requesting a license for multimedia contents from a corresponding DRM server group which provides the multimedia content). Therefore, Lambert teaches the claim limitation "a server, wherein if the server receives multimedia contents from one of a plurality of DRM server groups having a unique DRM solution respectively,.....; wherein the server comprises a plurality of managers constructed according to DRM server groups, and request a license for

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multimedia contents from a corresponding DRM server group which provides the multimedia content”.

Further, Safadi's invention relates to digital rights management, which enables digital rights management of content from a plurality of content providers (publishers), so that content protected by various DRM schemes may be downloaded, played and/or viewed from a single consumer device. The proxy device receives content incorporating an original DRM scheme from content provider and converts the original DRM scheme to a native DRM scheme (i.e. translate a license) which is compatible with a consumer device. Further, a transcoder transcodes the content from an original format to a native format compatible with the consumer device. Therefore, Safadi teaches the claim limitation “converting the multimedia content in to multimedia contents having a format suitable for the client; translating a license received from the corresponding DRM server group into a license having a format suitable for the client”. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Safadi into the teaching of Lambert to utilize the DRM proxy for converting original DRM scheme and the content to the native scheme and format compatible with the consumer device. The modification would be obvious because one of ordinary skill in the art would be motivated to enable digital rights management of content from a plurality of content providers for providing copy protection and preventing illegal copying of the content provided over a digital communication network.

Further, Russ teaches transmitting the content from the content provider to the subscriber via headend and DSCT as shown in Fig. 1. The DSCT receives the content,

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decrypts the content based on the determined encryption scheme for the selected content and re-encrypts the content according to encryption scheme that was dynamically negotiated by the DSCT and the client receiver as shown in Fig. 6. Therefore, Russ teaches “*decrypting multimedia content received from the content provider and converting the decrypted multimedia content into multimedia contents having a format suitable for the client*”. In addition, Russ teaches transmitting the entitlement management message between the headend and the DSCT and further, between the DSCT and the client-receiver. The address field of EMM from the headend to the DSCT includes the IP address or serial number of the DSCT. Whereas, the EMM sent from the DSCT to the client-receiver, the address field includes the address of the client-receiver (unique identifier of the client-receiver). The data field includes data for processing the EMM (e.g. which key was used for encryption/decryption). Therefore, Russ teaches translating the license/EMM between the headend and the client-receiver. Lambert teaches creating/establishing the consumer's account, which is used for obtaining the rights to access the DRM-encrypted content as above. Further, Hans teaches the content manager as shown in Fig. 4, which registers the consumer/user and maintains the user profile for obtaining the digital content from the content provider [Fig. 4]. Therefore, Hans teaches "performing registration of the client". In this case, the combination of Lambert, Safadi, Russ and Hans teaches the claim subject matter and the combination is sufficient. Based on the reason above the cited prior art teaches the claim limitation, however, if the applicant believes that the pending claims are distinct

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from the cited prior art, applicant needs to further clarify the claim limitation/language for further consideration and distinction from the prior art.

For the above reasons, it is believed that the rejections should be sustained.

Conclusion

5. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

/N. P./

Examiner, Art Unit 2435

/Kimyen Vu/

Supervisory Patent Examiner, Art Unit 2435